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SUBJECT: BELARUS: NINTH ANNUAL TRAFFICKING IN PERSONS (TIP) REPORT

REF: A) 08 STATE 132759, B) EUR/UMB-ROFMAN TELCON 02/26/09

MINSK 00000086 001.2 OF 015

¶1. (U) This is Embassy Minsk's submission for the ninth annual TIP report. Responses, based on information received March 12, 2009, are keyed to ref A and subsequent tasking ref B.

¶2. (SBU) This report identifies anti-TIP NGOs and international organizations by name. However, for security reasons, post requests that the Department protect their identity and not/not publicly disclose them.

¶23. THE COUNTRY'S TIP SITUATION

-- A. What is (are) the sources(s) of available information on trafficking in persons? What plans are in place (if any) to undertake further documentation of human trafficking? How reliable are these sources?

-- (SBU) Reliable sources of information in Belarus on trafficking in persons include the Ministry of Interior (MOI), the Ministry of Labor and Social Welfare, the Ministry of Justice, the International Organization for Migration Minsk office, the Young Women's Christian Association of Belarus (BYWCA)/La Strada, the Belarusian Red Cross, the Business Women's Association, and the Women's Crisis Center Radislava.

-- (SBU) The following international organizations and NGOs work with trafficking victims in Belarus:

-- (SBU) The Young Women's Christian Association of Belarus (BYWCA)/La Strada runs prevention and victim assistance and reintegration programs. The NGO's anti-trafficking efforts include operation and management of Belarus' first toll-free trafficking hotline and a shelter to accommodate victims. The hotline provides callers with legal information, advice about working abroad and marriage to foreign nationals, review of work contracts, and information about where to seek help if trouble arises. It has received over 14,000 calls and 400 email inquiries since its inception in 2001. The organization, which has a prominent public campaign including materials placed around Belarus and at Minsk's international airport, also plays a significant role in developing educational materials for distribution through government channels, training government officials, and curriculum development for the MOI's Anti-TIP

Center.

-- (SBU) The International Organization for Migration (IOM) implements a counter trafficking program that addresses prevention, prosecution, and protection. IOM's network of 21 Belarusian NGOs tackling human trafficking and providing assistance to victims have helped over 1,700 human trafficking victims. IOM runs a preventive program for women living in the regions of Belarus who were most at risk for being victims of trafficking to teach them basic job and job-seeking skills and possibly help them find employment. The organization has run extensive public awareness campaigns throughout Belarus, and in conjunction with the Brest-based Association of Business Women operates toll-free information hotline in Brest through funding from the USG and the Swedish Development Agency (SIDA). SIDA also funds IOM law enforcement activities and victim repatriation, and the Department's PRM Bureau funds prevention and protection activities. IOM has excellent relations with the Ministry of the Interior and the State Border Committee.

-- (SBU) The Women's Crisis Center "Radislava" opened in 2002 and assists victims of trafficking and domestic violence in Minsk. The Center operates a mini-shelter that provides temporary room and board. As the services were not tailored to specifically assist victims of trafficking, UNDP and IOM opened a mini-shelter with Radislava for trafficking victims. The mini-shelter is equipped to accommodate short stays for two adults and two minors. Radislava reported receiving newly-renovated facilities at a territorial social center in Minsk from the authorities to aid victims of trafficking and domestic violence and reported over 1,180 assistance requests in 2008.

-- (SBU) The Business Women's Association continues to run its own anti-trafficking hotline in Brest; this hotline began operations in 2002 and registered 2,260 calls in 2008. The city of Brest is the largest crossing point along the

MINSK 00000086 002.4 OF 015

Belarusian-Polish border. IOM provided funding for the hotline project and BYWCA implemented training for hotline administrators and counselors. The Association also assists in training seminars in the Brest Region, usually sponsored by IOM or La Strada, and continues to develop contacts across the border in Poland to facilitate anti-trafficking efforts in the region.

-- (SBU) The Red Cross provides preventative information and assistance and victim protection. The organization established seven consultation centers throughout Belarus with financial help from the IOM. Each center has an advisory council that consists of Red Cross staff and representatives of local health, education, and law enforcement organization. The organization provides victims with medical, psychological, legal, and material assistance and has programs designed to help victims acquire professional skills and acquire jobs. The Red Cross assisted over 110 victims in 2008.

-- B. Is the country a country of origin, transit, and/or destination for internationally trafficked men, women, or children? Does trafficking occur within the country's borders? If so, does internal trafficking occur in territory outside of the government's control (e.g. in a civil war situation)? To where are people trafficked? For what purposes are they trafficked? Provide, where possible, numbers or estimates for each group of trafficking victims. Have there been any changes in the TIP situation since the last TIP Report (e.g. changes in destinations)?

-- (SBU) Belarus is a country of origin and transit for internationally trafficked persons, particularly women. However, the trafficking of male victims to Russia for labor continues to be a problem. For 2008, the Ministry of Interior (MOI) reported 69 cases of trafficking in persons. Authorities also registered 591 trafficking victims, of whom 458 were trafficked for sexual exploitation (including 103 minors) and

133 for labor exploitation. 244 victims were recruited for sexual exploitation (including 96 minors) and 2 for labor exploitation on the territory of Belarus. Out of 591 victims, 366 were female (including 42 minors) and 225 male (including 61 minors).

-- (SBU) In 2008, the Minsk office of the International Organization for Migration (IOM) assisted 218 victims of trafficking, including 25 minors, accordingly. For January-February 2009, 17 victims (including two minors) were assisted. Of the victims IOM assisted, 153 in 2008 and 11 in January-February 2009 suffered sexual exploitation at their destination point compared to 134 in 2007, while 63 and 6, accordingly, were forced to perform manual labor (as compared to 47 in 2007).

-- (SBU) There were no territories in Belarus outside of the government's control.

-- (SBU) BYWCA/La Strada, an NGO that plays a significant role in Belarus in trafficking prevention and victim assistance, and IOM reported cases of trafficking in persons within Belarus where women from low-income families were trafficked from the regions to Minsk mainly for sexual exploitation. IOM also reported on an ongoing criminal case against Roma residents in the Minsk and Mogilyov Oblasts for trafficking Russian homeless persons into servitude.

-- (SBU) According to the MOI and IOM, Belarusian single, unemployed females between the ages of 16 to 30 were most at risk of being trafficked. Most victims of trafficking are seeking a way to escape bad economic circumstances or troubled domestic situations. Local NGOs assert that more government intervention against the related problems of domestic violence, prostitution, drugs and alcoholism would greatly reduce the number of women seeking employment abroad. Of the victims IOM assisted in 2008, 95 were between 18 and 24 years of age, and 56 were between 25 and 30. Of women assisted by IOM in January-February 2009, nine were between 18 and 24 and two were between 25 and 30. In addition, traffickers have continued to target males of all ages for forced manual labor, primarily in Russia. IOM statistics reported that a vast majority of victims would be considered poor and uneducated by GOB standards.

MINSK 00000086 003.2 OF 015

-- (SBU) The MOI reports indicated that traffickers were members of loosely organized crime networks with connections to larger international highly organized crime rings, brothels, clubs, or bars in destination countries. Traffickers lured victims through advertisements and personal approaches through friends and relatives, offering well-paid jobs abroad and soliciting marriage partners. Victims were often told that they would be providing escort services at their destination countries; however, traffickers withheld victims' documents and used physical and emotional abuse, fraud, and coercion to control victims and force them into sexual exploitation. Because of the MOI's effective preemptive investigatory measures, traffickers frequently communicated with their potential victims over the internet to avoid personal contact. The MOI added that traffickers were often Belarusian citizens living abroad with business ties to their home country along with the citizens of Russia, Poland, Germany and Israel. For example, in December 2008 the court sentenced a German citizen to 12 years in high security jail with property confiscation for trafficking Belarusian women for sexual exploitation in Poland and running a brothel for foreign tourists in Brest in 2006-2008.

-- (SBU) As part of an effort to restrict common channels of trafficking, in March 2005 the GOB introduced stricter controls on modeling, employment, and marriage agencies. As a result traffickers began to rely more on informal recruitment networks to approach potential victims personally to lure women and men with false promises of lucrative financial opportunities abroad. Most recruiters were acquaintances or a friend of a friend of the victim. According to IOM and La Strada, traffickers

frequently approach potential victims at bars or discos for sexual exploitation work and widely use advertisements for construction sites to lure victims for labor exploitation. IOM and La Strada reported that the majority of their victims were approached personally by a trafficker or recommended a job by a friend of a friend or even a relative.

-- (SBU) Traffickers often use vehicle and train crossings with Russia, Poland, Lithuania and Latvia. The GOB has made efforts to tighten borders and train border guards to monitor and prevent TIP-related border crossings. Traffickers increasingly opted to send more victims through Russia, both because of the open border there, and because the EU has implemented stricter visa requirements. According to La Strada, trafficking victims primarily exit Belarus on legal documents and valid tourist visas, making it extremely difficult to identify victims. Traffickers sometimes falsified a variety of documents to move victims including passports, training certificates, and government stamps and seals; however, according to the MOI, such incidents did not take place in 2008.

-- (SBU) Reports from the IOM and MOI indicate victims were mainly trafficked in 2008 to European Union countries (particularly Germany, Poland, the Czech Republic, Lithuania, Latvia, Austria, the Netherlands), the Middle East (particularly Israel and the United Arab Emirates), Turkey, Egypt, Russia, Ukraine and the Republic of Togo. Trafficking to Russia presents a particular problem because of its open border. Although primarily a country of origin, its central location also makes Belarus a country of transit to eastern and western destinations. The MOI reported that it shut down 59 trafficking channels to 10 foreign states in 2008.

125. INVESTIGATION AND PROSECUTION OF TRAFFICKERS

-- E. Law Enforcement Statistics: Did the government prosecute any cases against human trafficking offenders during the reporting period? If so, provide numbers of investigations, prosecutions, convictions, and sentences imposed, including details on plea bargains and fines, if relevant and available. Please note the number of convicted traffickers who received suspended sentences and the number who received only a fine as punishment. Also, if possible, please disaggregate numbers of cases by type of TIP (labor vs. commercial sexual exploitation) and victims (children under 18 years of age vs. adults). What were the actual punishments imposed on persons convicted of these offenses?

-- (SBU) Belarusian law prohibits all forms of trafficking in persons and criminalizes trafficking in persons for sexual,

MINSK 00000086 004.2 OF 015

labor, or other kinds of exploitation. Article 181 of the criminal code, which entered into force in 2001 and was amended in 2005, penalizes trafficking in persons for the purposes of sexual or other kinds of exploitation, including labor exploitation. In December 2008, the GOB introduced a sub-Article 181 that criminalizes servitude. The penalty for trafficking is a minimum of five years' imprisonment with property forfeiture, while the punishment for severe forms of trafficking is a minimum of 10 years' imprisonment with forfeiture. The penalty for servitude ranges from a minimum of two years' imprisonment up to 12 years in jail with forfeiture.

-- (SBU) Other laws which pertain to trafficking in persons include: Article 18, organized crime; Article 171, pimping and operating a brothel for the purpose of prostitution; sub-Article 171 (introduced in December 2008), engaging into prostitution or forcing to continue prostitution; Article 173, engaging a minor into antisocial behavior (applied to TIP-related offenses only/only until December 2008); Article 182, kidnapping human beings for the purpose of exploitation; and Article 187 (amended in 2008), illicit recruitment of human beings for employment abroad. A March 2005 presidential decree allows the confiscation of property of convicted traffickers and increased

prison sentences.

-- (SBU) The GOB also relates the following criminal code articles to TIP offenses: Article 343, producing and distributing pornographic materials or objects; sub-Article 343 (introduced in December 2008), producing or distributing pornographic materials or objects depicting a minor. The articles stipulate various penalties of up to 13 years in jail with property confiscation and allow the GOB to prosecute pedophiles and child pornography manufacturers. These laws taken together appear to be adequate to cover the full scope of TIP crimes.

-- (SBU) Even though prosecutors and law enforcement officials use Article 181, many trafficking investigations were still opened under Articles 187, 171, 182, due to the difficulty of collecting evidence for prosecution. Similarly, convicted traffickers were sentenced under these articles. However, prosecutors and judges were becoming more familiar with Article 181; training by IOM and MOI officials improved the judiciary's ability to use Article 181 effectively.

-- (SBU) According to Ministry of Interior data, in 2008 authorities registered 333 "trafficking in persons" crimes, including 129 serious ones. Of those, 120 cases involved transporting 345 victims abroad for the purpose of exploitation. There were 53 cases of labor exploitation involving 133 victims. The MOI and the Justice Ministry reported that 112 people were convicted of various TIP-related offences in 2008, 17 of which were sentenced for human trafficking to incarceration terms from three to 15 years. The majority of traffickers were jailed for over eight years with their property confiscated. The courts also convicted 54 persons under the Article 343.

-- (SBU) The MOI provided the following breakdown of the number of trafficking related crimes for 2008: pimping, maintaining brothels, prostitution (Article 171) - 121 cases; involving minors in antisocial behavior (Art. 173) - 25 cases; trafficking in persons (Art. 181) - 69 cases; kidnapping human beings for the purpose of exploitation (Art. 182) 6 cases; illicit recruitment of human beings for employment abroad (Art. 187) - 14 cases; producing or distributing pornographic materials (Art. 343) - 98 cases.

-- (SBU) Based on the recommendations from a series of UNDP conferences aimed at improving Belarus' anti-trafficking legislation, President Lukashenka issued Decree No. 3 "On Some Measures to Combat TIP" in March 2005, which raised the punishment for trafficking via amendments to Articles 171, 181, 182, and 187 of the Criminal Code. Although many of the possible penalties remain the same, amendments to the criminal code made after this decree ensure that those convicted of trafficking receive longer sentences than they would have prior to the decree. The decree also amended the law to comply with the Palermo Protocol which mandates that trafficking victims are not to be held responsible for illegal acts committed while a victim and enables the government to confiscate the property of

MINSK 00000086 005.2 OF 015

convicted traffickers.

-- (SBU) Legal experts noted that prosecutions under the original language of Article 181 were hindered by legally referring to the victim as a "dependent person." This allowed defense lawyers to challenge the extent of dependency, causing cases to be prosecuted under the less effective Article 171 (pimping and operating a brothel) instead. The GOB subsequently modified the criminal code to broaden the language to include any person being exploited, thus enabling investigators and prosecutors to build stronger cases against traffickers and increase the number of convictions made under Belarus' trafficking law.

-- (SBU) Penalties for traffickers increased under the amendments to the criminal code brought about by Decree No. 3

"On Some Measures to Combat TIP." The penalty for trafficking is now a minimum of five to seven years' imprisonment with forfeiture of property (previously three to six years with or without property forfeiture). If the crime was premeditated, committed intentionally against a minor, involved two or more victims, was done for the purpose of sexual exploitation or any other kind of exploitation, involved the sale of organ tissue, or involved organized crime, the penalty is now a minimum of 10 to 12 years' imprisonment with forfeiture of property (previously five to ten years with or without property forfeiture). If the crime involved the unintentional death of the victim, or caused severe injury to the victim, the penalty is 12 to 15 years' of imprisonment with forfeiture of property (previously eight to fifteen with or without property forfeiture).

-- (SBU) The maximum penalty for rape or forcible sexual assault is 15 years' imprisonment. The maximum penalty for severe forms of trafficking is 15 years' imprisonment with property confiscation.

-- (SBU) Prostitution is illegal under Article 162 of Belarus' administrative code. The administrative penalties for prostitution are a written warning, a fine or a 15-day arrest, a measure that the GOB introduced in 2008. Pimps and brothel owners may be held liable under Article 171 and sub-Article 171 of Belarus' criminal code. The penalty for pimping, engaging into prostitution, or operating a brothel for the purpose of prostitution is imprisonment for up to ten years. Clients of prostitutes are not liable under Belarus' criminal or administrative laws. Amendments to the Criminal Code added a new provision to Article 171, which describes the penalties for pimping or operating a brothel in connection with transporting someone abroad for prostitution. If the above acts are done by a governmental official abusing authority, by an organized group, by a person charged with offences stipulated in Articles 171 or 181, or using a minor for prostitution, the penalty is imprisonment from seven to ten years' imprisonment with property confiscation.

-- I. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

-- (SBU) There were no indications of government involvement in or tolerance of trafficking on a local or institutional level.

-- (SBU) The MOI body responsible for investigating public corruption is the Office to Combat Organized Crime and Corruption. The State Control Committee also investigates allegations of official corruption through the Interagency Commission for Combating Crime, Corruption and Drug Trafficking. During the past year, there have been no indications of official government involvement in trafficking.

-- J. If government officials are involved in trafficking, what steps has the government taken to end such participation? Please indicate the number of government officials investigated and prosecuted for involvement in trafficking or trafficking-related corruption during the reporting period. Have any been convicted? What sentence(s) was imposed? Please specify if officials received suspended sentences, or were given a fine, fired, or reassigned to another position within the government as punishment. Please indicate the number of convicted officials that received suspended sentences or

MINSK 00000086 006.2 OF 015

received only a fine as punishment.

-- (SBU) There were no indications that government officials were involved in trafficking.

-- M. If the country has an identified problem of child sex tourists coming to the country, what are the countries of origin for sex tourists? How many foreign pedophiles did the government prosecute or deport/extradite to their country of

origin? If your host country's nationals are perpetrators of child sex tourism, do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT Act) to allow the prosecution of suspected sex tourists for crimes committed abroad? If so, how many of the country's nationals were prosecuted and/or convicted during the reporting period under the extraterritorial provision(s) for traveling to other countries to engage in child sex tourism?

-- (SBU) Belarus does not have an identified child sex tourism problem either as a source or as a destination. Belarus acceded to the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography in January 2002. Presidential Decree No. 3 "On Some Measures to Combat TIP" criminalized child pornography distribution. Manufacturing, distributing or storing child pornography is punishable by up to four years' imprisonment for an individual or five to 13 years' imprisonment by an organized group of people.

-- (SBU) In 2008, police registered 98 crimes related to production and dissemination of pornographic materials, including three cases of trafficking minors. In March 2008, the MOI arrested three Belarusian and three Russian citizens, members of an organized criminal group, on the charges of maintaining brothels in Belarus, for establishing a pornography studio at a rented apartment in Minsk, and selling and posting pornographic materials picturing minors on over 270 websites based in Cyprus over the period 2005 to 2008. The Ministry also assisted their Ukrainian counterparts in detaining a Ukrainian citizen, a member of the same criminal group, who had been recruiting minors for production of pornography materials production. The MOI reported 94 victims in the case, of which 61 were minors, including two Russians and one Ukrainian. Law enforcement completed the investigation in November 2008 and filed the case with the court. The trial was still ongoing at the end of the reporting period.

-- (SBU) According to Article 7 of the criminal code, Belarusian citizens cannot be extradited to a foreign country if provision for such action is not covered by an international agreement with the Republic of Belarus. Foreign nationals residing in Belarus can be extradited to a requesting state in accordance with international agreements with the Republic of Belarus. If no agreement exists between the Republic of Belarus and the requesting state, a foreign national can be extradited on the basis of reciprocity. Belarus ratified the Convention Against Transnational Organized Crime that provides a legal basis for cooperation in extradition with other states that are parties to the Convention.

126. PROTECTION AND ASSISTANCE TO VICTIMS

-- A. What kind of protection is the government able under existing law to provide for victims and witnesses? Does it provide these protections in practice?

-- (SBU) The August 2005 anti-TIP Presidential decree defines the status of trafficking victims and enumerates the services that they should be provided free of charge. The edict ensures victims' safety, social security and rehabilitation care, and requires Belarusian diplomatic missions and consular sections abroad to render necessary assistance to victims. Social security and rehabilitation services include providing victims with temporary room and board, providing free legal assistance, and arranging medical and psychological care by state-run medical institutions. Full-time employment assistance will also be offered. The GOB uses its partnerships with NGOs and international organizations to provide many of the above services.

MINSK 00000086 007.2 OF 015

-- (SBU) The Criminal Code provisions regulate that where there is reason to believe that a witness, their family members, close

relatives, or other persons closely related to the witness have been threatened with murder, violent actions, or destruction of property, the witness' personal data and signature should not be included in the witness report. Upon receipt of information or statements regarding threats made against a witness, the authorities must register, consider, and provide a decision regarding the claim within three days, or no more than 10 days if time for verification is necessary and there is sufficient reason for instituting a criminal case. To protect their safety, the identity of the witness may be kept confidential from the court until just before the witness is called to testify. According to MOI officials, the witness protection programs were efficiently enforced in 2008.

-- B. Does the country have victim care facilities (shelters or drop-in centers) which are accessible to trafficking victims? Do foreign victims have the same access to care as domestic trafficking victims? Where are child victims placed (e.g., in shelters, foster care or juvenile justice detention centers)? Does the country have specialized care for adults in addition to children? Does the country have specialized care for male victims as well as female? Does the country have specialized facilities dedicated to helping victims of trafficking? Are these facilities operated by the government or by NGOs? What is the funding source of these facilities? Please estimate the amount the government spent (in U.S. dollar equivalent) on these specialized facilities dedicated to helping trafficking victims during the reporting period.

-- (SBU) The Belarusian Government mandates that victims receive a variety of services. Much of the assistance was provided by IOM, La Strada and the Women's Crisis Center Radislava. According to the MOI, because of budget shortfalls and "expediency", the GOB looks to NGOs to cover much of the associated costs.

-- (SBU) There were 156 territorial social centers under the Ministry of Labor and Social Security around Belarus, but they do not specialize in trafficking victim assistance and render services to the victims of any kind of abuse over 15 years of age. Law enforcement officials generally refer TIP victims to NGO shelters and crisis centers to provide rehabilitation and reintegration services, including the shelters run by IOM, La Strada, and Radislava. According to Radislava, only seven of the 156 territorial centers have crisis specialists or drop-in centers that were ready to accept trafficking victims. Each territorial center reportedly had an operating helpline; however, their specialists also referred victims to the NGOs for tangible assistance.

-- (SBU) In 2006, IOM opened a Medical Rehabilitation Shelter that offers medical and psychological assistance to trafficking victims. Radislava and La Strada also run mini-shelters for TIP victims, Radislava mainly providing consultative services to the victims. Approximately 30 NGOs render legal, psychological and other assistance across Belarus. To fund their activities, government facilities and NGOs have the right to sue traffickers for reimbursement. The GOB by no means provides financial support for the NGOs' activities.

-- (SBU) There are 146 child social care and education centers under the Ministry of Education where victims three to 15 years of age can be sent. In 2008, IOM registered 25 minors as trafficking victims, two minors were registered as victims in January-February 2009. The Ministry of Education established ten specialized children's homes for rehabilitating toddlers of three years of age and younger. The MOI informed that there were no TIP-related cases involving children of such age, and 38 victims of trafficking sought medical assistance at state-run rehabilitation facilities in 2008.

-- (SBU) Victims can independently seek medical assistance, including HIV/AIDS testing, through state clinics free of charge under Belarus' system of healthcare, though the centers do not specialize in trafficking victims. Most victims decline to seek medical assistance due to reluctance to divulge information to clinic and hospital staff. Regional social centers and employment offices in theory can also provide social services to

returned victims. Financial restraints and a lack of resources

MINSK 00000086 008.2 OF 015

and training undermine the government's ability to provide comprehensive care to victims.

-- (SBU) Ministries of Labor and Social Security, Education, Interior, Healthcare as well as the NGOs, including IOM, set up an advisory council in the framework of an international project to combat trafficking in order to elaborate a comprehensive mechanism of streamlining and boosting efficiency of the rehabilitation assistance to the victims of trafficking. IOM is due to outline their recommendations before March 20, 2009. The group is to report to President Lukashenka in mid-2009.

-- C. Does the government provide trafficking victims with access to legal, medical and psychological services? If so, please specify the kind of assistance provided. Does the government provide funding or other forms of support to foreign or domestic NGOs and/or international organizations for providing these services to trafficking victims? Please explain and provide any funding amounts in U.S. dollar equivalent. If assistance provided was in-kind, please specify exact assistance. Please specify if funding for assistance comes from a federal budget or from regional or local governments.

-- (SBU) Ministries and government agencies allow anti-TIP international organizations and NGOs to operate with little interference, and despite red tape and time-consuming project registration procedures, delays were significantly reduced in the past year. The government makes mostly in-kind contributions to the activities of these organizations such as personnel, technical and administrative support, and assistance with transportation, lodging or conference space, and allows the NGO Radislava to operate a small anti-TIP shelter in a government building housing a territorial social center in Minsk. The MOI continues to devote significant human and material resources to investigation and detection efforts as well as to provide representatives to participate in NGO-sponsored victim assistance training seminars as guest speakers or presenters. La Strada informed that the GOB did not raise its lease payments following President Lukashenka's April 24, 2008, edict removing NGOs' benefits and automatically increasing their leases tenfold.

-- (SBU) The GOB increased its in-kind assistance efforts and has made administrative matters significantly easier for anti-TIP NGOs. Radislava reported receiving newly-renovated facilities from the authorities for its mini-shelter for victims of trafficking and domestic violence, and the Red Cross reported receiving favorable leasing terms and pricing for its facilities. Government sources stated that NGOs also receive waivers for customs duties. Most government assistance comes from the federal budget. IOM reported that the GOB provided approximately 20 percent and above of all conference costs, amounting to approximately USD 50,000 in 2007 (no figures available for 2008), and provides venues for conferences and seminars, transportation, security, lodging for participants and general logistical support.

-- (SBU) IOM indicated that thanks to its successful cooperation and partnerships with the MOI departments in the regions, their victims were able to receive free training at state-run employment centers in Gomel and Minsk. Moreover, a number of victims from the regions were placed in Minsk-based dormitories free of charge to continue studies after their rehabilitation at IOM facilities. In Mogilyov, victims were rendered extensive medical assistance at state-funded clinics. However, IOM reported that their victims often experienced hindrances in obtaining quality medical services at state-funded clinics and preferred seeking aid from private doctors.

-- (SBU) The 2005 edict also mandates reimbursement by the offender/trafficker, enforceable in a court of law, of all costs incurred by the state in helping TIP victims. Local governments and administrative agencies, district centers of social

services, children's social shelters, and prosecutors all have the right to demand such reimbursement through the courts. However, La Strada has noted that the procedure is complicated and burdensome. To address this, the new 2008-2010 plan includes the possibility of reinforcing the reimbursement mechanism by creating a standing victim compensation fund to cover expenses related to repatriation and physical and psychological damage. The fund will be subsidized with assets

MINSK 00000086 009.2 OF 015

confiscated from convicted offenders.

-- (SBU) According to the Justice Ministry data, in 2002-2008 Belarus' courts heard 122 lawsuits on moral damages compensation in TIP-related crimes and declared to reimburse to the victims of trafficking almost USD 79,000 (as of December 31, 2008), 70 percent of what the plaintiffs originally sought.

-- (SBU) According to the MOI, the GOB allocated in 2008 approximately USD 345,000 (as of December 31, 2008) to fund measures, including victims' rehabilitation, outlined in the 2008-2010 plan. The Ministry had requested the GOB to appropriate USD 380,000 (as of January 1, 2009) for 2009. No exact funding amount was available at the end of the reporting period.

-- (SBU) The government is seeking assistance from international organizations and foreign nations to return victims to Belarus. According to the MOI, Belarus Foreign Ministry's Consular Department ensured the safe return to Belarus of a number of trafficking victims. IOM is attempting to expand their victim repatriation program to meet this need. Given the lack of financial resources to address all the new anti-TIP initiatives, the GOB relies on its partnerships with NGOs and international organizations to implement anti-TIP regulations.

-- (SBU) Because of the GOB's increased focus on training, law enforcement officials more frequently referred victims to NGOs in Belarus (125 referrals in 2008) that can provide medical, shelter and financial assistance. In some cases law enforcement officials provided transportation to and from home to NGOs or to other assistance providers for victims who requested reintegration help.

-- D. Does the government assist foreign trafficking victims, for example, by providing temporary to permanent residency status, or other relief from deportation? If so, please explain.

-- (SBU) The government does assist foreign trafficking victims. The law allows for authorities to grant temporary residency status to foreign victims. In January 2008, immigration officials granted a minor from Ukraine temporary residency status and shelter in Belarus. During the reporting period, other foreign victims have received assistance, including from IOM, though three were Russian citizens and because of standing bilateral immigration agreements with Russia did not need any adjustment in residency status.

-- E. Does the government provide longer-term shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives?

-- (SBU) The GOB relies on the anti-TIP NGOs to provide longer-term sheltering. However, IOM reported wide cooperation with state-run employment and job training agencies that were often able to render their victims vocational training, educational support free of charge. IOM also named isolated instances when the GOB provided permanent housing or certain housing benefits to the trafficking victims.

-- F. Does the government have a referral process to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care (either government or NGO-run)?

-- (SBU) An NGO referral system exists, which IOM established in

September 2002. It consists of 21 partner organizations involved in both prevention and reintegration activities. In 2008 and January-February 2009, these organizations referred 174 and 9 victims, accordingly, to IOM for reintegration assistance.

Some NGOs have commented in the past that law enforcement officials have made inaccurate referrals, and recommended additional training for officers to learn how to properly identify and refer victims of trafficking. Authorities have been successfully addressing this problem through officer training at the MOI's Anti-TIP Training Center. Additionally, under the auspices of IOM's memorandum of understanding with the border guards, IOM held seminars and victim identification training sessions for government officials.

-- G. What is the total number of trafficking victims identified

MINSK 00000086 010.2 OF 015

during the reporting period? Of these, how many victims were referred to care facilities for assistance by law enforcement authorities during the reporting period? By social services officials? What is the number of victims assisted by government-funded assistance programs and those not funded by the government during the reporting period?

-- (SBU) In 2008, the Minsk office of the International Organization for Migration (IOM) assisted 218 victims of trafficking, including 25 minors. In January-February 2009, 17 TIP victims (of which two were minors) were assisted by IOM. Of the victims IOM assisted, 153 in 2008 and 11 in January-February 2009 suffered sexual exploitation at their destination point compared to 134 in 2007, while 63 and 6, accordingly, were forced to perform manual labor (as compared to 47 in 2007). The MOI registered 591 victims and referred 125 to anti-TIP NGOs for rehabilitation assistance. 38 victims of trafficking sought medical assistance at state-run rehabilitation facilities in 2008.

-- H. Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact (e.g., foreign persons arrested for prostitution or immigration violations)? For countries with legalized prostitution, does the government have a mechanism for screening for trafficking victims among persons involved in the legal/regulated commercial sex trade?

-- (SBU) According to the MOI, the government has a system of "methodological recommendations" to monitor and control various categories of people crossing Belarusian borders. The 2006-2010 State Migration Program created a mechanism of state regulation of migration trends throughout Belarus. Belarus has taken steps to increase border security. Border authorities are currently working on the Bombel Program, a joint project with the European Commission and UNDP designed to raise Belarusian border management to EU standards. Phase one was completed in 2007 and focused on increasing border security, providing training for border guards in EU standard practices, and continuing development of an automated passport system. Phase two is under way and is aimed at improving migration control

-- (SBU) Prostitution in Belarus is illegal.

-- I. Are the rights of victims respected? Are trafficking victims detained or jailed? If so, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

-- (SBU) NGOs in Belarus generally agree that the legal rights of victims are respected. Trafficking victims are not detained, jailed or fined. Belarus ratified the Palermo Protocol in 2003, and follows its policy that states that even if a woman had previously consented to prostitution, she should still be considered a victim. In addition, the August 2005 anti-TIP decree mandates that TIP victims may not be deported or otherwise held administratively accountable for offences committed in connection to TIP crimes against them such as

prostitution or immigration violations.

-- J. Does the government encourage victims to assist in the investigation and prosecution of trafficking? How many victims assisted in the investigation and prosecution of traffickers during the reporting period? May victims file civil suits or seek legal action against traffickers? Does anyone impede victim access to such legal redress? If a victim is a material witness in a court case against a former employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings? Are there means by which a victim may obtain restitution?

-- (SBU) Official policy forbids coercion of victims, and it appears that this is taken seriously by the Ministry of Interior leadership. Several NGOs have reported an improvement in the area of victim coercion citing fewer reports that pressure to cooperate with investigations does occasionally occur with less experienced officers at the local level or during victims' questionings to enable the law enforcement curbing and preventing trafficking attempts in advance. The State Border Committee now allows IOM to take and shelter victims for several

MINSK 00000086 011.2 OF 015

days before calling in investigators. Law enforcement agencies permit La Strada and IOM specialists to attend interrogations and even closed court hearings upon victims' requests. In 2008, the State Border Committee encouraged a La Strada representative to meet and assist a TIP victim deported from Israel on the airplane at the Minsk international airport. The issue of pressuring victims is one area that the TIP Academy emphasizes during its training of local TIP-specialist police officers.

-- (SBU) Victims are allowed to file civil suits and/or seek legal action against the traffickers, and IOM, La Strada and Radislava provide legal assistance to victims of trafficking. A counter-trafficking manual for law enforcement officials and repeated law enforcement trainings by international organizations and NGOs in Belarus' regional centers have improved law enforcement officers' interviewing skills. Local NGOs reported in the past, however, that victims occasionally encountered judgmental and hostile attitudes from some law enforcement personnel, particularly in smaller cities and towns, though this issue continues to be addressed through further training.

-- K. Does the government provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? What is the number of trafficking victims assisted by the host country's embassies or consulates abroad during the reporting period? Please explain the type of assistance provided (travel documents, referrals to assistance, payment for transportation home).

-- (SBU) The Belarusian government has demonstrated a noticeable increase in political will to combat trafficking and has used its efforts to combat TIP to establish itself as a responsible member of the international anti-TIP community and to raise its international profile. The MOI has increased its training resources and has made a concerted effort to improve specialized anti-TIP training in victim identification, protection, communication and referral to relevant social services for members of law enforcement, courts, and the Prosecutor General's Office. However, the high turnover rate for law enforcement officials and bureaucratic red tape continue to hinder Belarus' ability to address the problem, though this issue is slated to be addressed during the government's new 2008-2010 anti-TIP action plan. Overall corruption is not a problem related to anti-TIP efforts.

-- (SBU) The GOB trained officers to fight TIP more effectively and assist and protect victims. The Ministry of

Interior-sponsored new Anti-TIP Training Center at the National Police Academy graduated its first class of trainees in July 2007. It trained four groups of the CIS and Belarus' law enforcement officers and TIP specialists of local police districts in 2008. Also, 13 police officers from the United Arab Emirates took the courses at the Center in 2008. These TIP specialists are trained in law-enforcement, victim assistance and protection. The Ministry of Interior invested USD 149,000 in the facility, financing 90 percent of its startup costs. Partial funding was provided by IOM, and training materials were developed in conjunction with La Strada.

-- (SBU) According to the August 2005 edict, Belarusian diplomatic missions and consular sections must field inquiries from Belarusian citizens abroad about legislation to combat trafficking in persons and protect victims in the host country and in Belarus, guarantee full compliance of the host country's laws in relation to the citizens of Belarus, and ensure the return of victims who are Belarusian citizens to their place of residence. The MFA reported that Belarusian embassies' consular sections assisted and repatriated several victims from the Gulf States and the Middle East region in recent years. The MFA included anti-TIP training in its annual consular conference and invited NGO and government TIP specialists to provide training. La Strada created a booklet for Belarusian embassies abroad on anti-TIP legislation, victim identification and the MFA's role in combating TIP, including contact information for embassies, consulates and international anti-TIP NGOs and shelters. IOM has disseminated information about Belarusian NGOs that assist

MINSK 00000086 012.2 OF 015

returned victims of trafficking in Belarus to the MFA, which has in turn passed the information to embassies and consulates in destination countries.

-- (SBU) The August 2005 anti-TIP decree ensures victims' safety, social security and rehabilitation care, and requires Belarusian diplomatic missions and consular sections abroad to render necessary assistance to Belarusian victims abroad.

127. PREVENTION

-- A. Did the government conduct anti-trafficking information or education campaigns during the reporting period? If so, briefly describe the campaign(s), including their objectives and effectiveness. Please provide the number of people reached by such awareness efforts, if available. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)? (Note: This can be an especially noteworthy effort where prostitution is legal. End note.)

-- (SBU) The government's latest initiative is the adoption and implementation of its 2008-2010 State Program on Countering Trafficking in Human Beings, Illegal Migration and Related Illicit Activities. This program is aimed at decreasing TIP-related and child pornography crimes, irregular migration and prostitution, increasing protection and rehabilitation for victims of trafficking, enhancing the efficiency of the state authorities' prevention efforts, further improving TIP-related legislation, and developing cooperation with concerned states and organizations. A major currently implemented component of the plan is to create a series of public service announcements to be aired on national and regional television stations. This information campaign is led by the Ministry of Interior and will receive funding from the Ministry of Information.

-- (SBU) State-controlled media outlets continued to increase news coverage of trafficking stories in state newspapers and aired talk shows, television documentaries about counter-trafficking and illegal migration efforts, and interviews with GOB officials about the problem of trafficking in Belarus. During 2008, the GOB officials continued to conduct press conferences and briefings to increase awareness of the problem. Over 40 correspondents of Russian and Belarus mass

media outlets participated June 3-6, 2008, in a GOB-sponsored "press tour" that had proved to be effective in expanding information campaigns. The printed media extensively covered anti-TIP situation and the activities of rehabilitation centers to raise awareness and prevent illegal recruitment for employment abroad and trafficking of foreign victims for labor exploitation in Belarus, curb fraud and coercion through marriage and modeling agencies and to inform the victims who had been reluctant to seek assistance about the rehabilitation and integration services. The Citizenship and Migration Department conducted its own public awareness campaign on working abroad which included television appearances, radio spots and printed informational articles. The Education Ministry also prepared and distributed among its agencies and schools a manual for teachers and instructors on how to effectively organize activities to prevent trafficking. It also provided schools with updated legislative information to broaden students' legal knowledge about their rights and possibilities for protection under domestic and international laws.

-- (SBU) In addition, the MOI continued in 2008 to monitor advertising media for potential TIP recruitment messages.

-- (SBU) The information about the number of people reached by awareness efforts is unavailable; however, the MOI asserted that campaigns mainly targeted potential trafficking victims and their families.

-- (SBU) Though in the past IOM complained of long delays in receiving approval for its own anti-TIP television spots, it reported a marked improvement in the approval process in 2007. Three of the four television messages IOM proposed were approved without delay. IOM also reports that its public awareness billboard messages that can be seen throughout Minsk have been provided free of charge by the authorities. Due to the financial constraints, IOM did not release any new television or

MINSK 00000086 013.2 OF 015

billboard messages in 2008 but reported no hindrance from the GOB in airing their messages. Educational materials developed by IOM and La Strada are now displayed and distributed at all land border crossings and at the Minsk international airport.

-- (SBU) The Ministry of Interior continues to run a TIP information hotline, though its single goal is to offer information regarding the licensing status and legitimacy of marriage and modeling agencies and agencies involved in work and study abroad. The Ministry acknowledges that NGO-run hotlines are more effective at providing a broader range of services, and that they refer callers to those hotlines. La Strada and IOM reported continued significant cooperation between the government hotline and their own hotlines in Minsk and Brest. A La Strada official acknowledged that it would be ideal for callers to receive all necessary information in one call, but notes that the government hotline refers the majority of the callers to them and that authorities do not hinder or interfere with their work. NGOs have reported close cooperation from authorities in distributing educational materials. Authorities supported distribution of public service announcements produced by the Red Cross and IOM, airing them on state television and on television screens at subway stops free of charge.

-- B. Does the government monitor immigration and emigration patterns for evidence of trafficking?

-- (SBU) Attention to trafficking detection by Belarus' State Border Committee (SBC) continued to increase due to training by international organizations and attention from the highest levels of government. SBC has increased emphasis on training border guards, sending officers to take part in numerous seminars on counter-trafficking strategies organized in Belarus and abroad. In addition, IOM noted that GOB officials investigate all Belarusians who return from abroad without travel documents. SBC officials have reported several cases where officers were able to identify potential victims at borders and convinced them to turn back.

-- C. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force?

-- (SBU) The single point of contact for all anti-trafficking efforts government-wide is the head of the MOI's Department on Combating Drug Trafficking and Trafficking in Human Beings which serves as a coordinating agency. All ministries involved in anti-TIP efforts report to this Department on a regular basis for evaluation. Every six months the Department itself submits a status report to the Presidential Administration and the Interagency Commission for Combating Crime, Corruption and Drug Trafficking under the State Security Council. The MOI reports directly to the Security Council every quarter and to the President once a year.

-- (SBU) In March 2005, the GOB formed an Interagency Commission of government officials under the Security Council to implement the President's decree and to improve the efficiency of international programs against human trafficking in Belarus.

-- (SBU) Other government agencies involved in anti-trafficking activities include: the Council of Ministers, the Supreme Court, the Presidential Administration, the Prosecutor General's Office, the Ministry of Justice, the Ministry of Labor and Social Security, the Ministry of Information, the Ministry of Foreign Affairs, the Ministry of Healthcare, the Ministry of Education, the Ministry of Sports and Tourism, the Ministry of Transport, the Ministry of Finance, the Ministry of Telecommunications, the State Security Committee (Belarusian KGB), and the State Border and Customs Committees. The National Academy of Sciences, the National Broadcasting Company and Oblasts' executive committees also contribute to the anti-TIP activities. The Interagency Commission has a separate standing working group on issues of counter-trafficking that unites the abovementioned agencies along with the representatives from the Parliament, National Center for Legislation and Legal Research, Ministries of Culture and Economy. NGOs are not represented on the Commission and the working group; however, actively participate in an advisory council established in the framework of an international project to combat trafficking. In 2008, the

MINSK 00000086 014.2 OF 015

council convened in April and December. NGOs are generally more active in prevention, rehabilitation and assistance to the trafficking victims. Government sources stated that victims were more likely to trust NGOs than government sources of assistance.

-- (SBU) The MOI is responsible for monitoring the implementation of the government's national strategy to combat trafficking in persons. In the past, anti-trafficking organizations were often frustrated by a lack of inter-ministerial communication and coordination, as well as the lack of a single point of contact within the government on trafficking issues. However, during 2007-2008, anti-TIP NGOs reported that communication with government officials significantly improved.

-- (SBU) In 2001, the Council of Ministers approved its first five-year action plan to combat trafficking in persons and prostitution. The strategy called for the formation of an interagency working group to address the trafficking problem and proposed measures for prevention, prosecution, victims' assistance and international cooperation. The government is continuing its efforts with the adoption of its new 2008-2010 State Program on Countering Trafficking in Human Beings, Irregular Migration and Related Illicit Activities. This program is mainly aimed at decreasing irregular migration and prostitution, and increasing protection and rehabilitation of victims of trafficking and further improving TIP legislation. The plan also includes training to enhance the efficiency of prevention efforts improving cooperation between government and non-government entities. Exact budget figures for the

implementation of the program are unavailable.

-- (SBU) The government agencies involved in developing the plan include: the Interior, Foreign Affairs, Education, Labor and Social Security, Economic, Health, Justice, Labor, Culture, Information, and Sports Ministries; State Customs and Border Committees; the Prosecutor General's Office; the Committee for State Security (the Belarusian KGB); the National Academy of Sciences; the Scientific Research Institute of Criminology, Criminal Analysis and Judicial Experts; Belarusian State Insurance Organization; Belarusian TV/Radio Broadcasting Company; Institution of Social and Political Research under the Presidential Administration. Prior to enacting this plan, the Ministry of Interior consulted extensively with IOM and its partner NGOs experts.

-- (SBU) The MOI reported that Belarusian law enforcement officials successfully established direct TIP enforcement contacts with their counterparts in the main destination countries - Russia, Ukraine, Spain, Poland, Lithuania, the United Kingdom, Netherlands, Germany, Austria, Israel, and Turkey. Belarusian law enforcement officials actively investigated cases of trafficking throughout the year and worked jointly with officials abroad to break up several trafficking rings.

-- (SBU) In an investigation that concluded in 2008, Belarusian police worked closely with German and Dutch authorities to shut down an organized criminal ring that trafficked over 30 Belarusian women to brothels in Germany and the Netherlands. German, Dutch and Belarus law enforcement authorities arrested nine criminals, and courts in Belarus sentenced three local citizens to imprisonment of five to eight and one-half years. In a separate case, the Ministry of Interior worked closely with their Polish and German counterparts to investigate recruiting and trafficking in 2001-2006 of over 30 Belarusian women to brothels in Germany and Poland by two persons in the Brest Oblast.

-- (SBU) In 2008, Belarus tabled draft resolutions at the United Nations General Assembly (UNGA) calling for improvements in coordinating mechanisms to combat human trafficking at the international level, initiated a debate on human trafficking during the UNGA session and called for developing a UN global action plan to prevent TIP. Belarus was also active in ensuring that TIP remains on the agenda for the Collective Security Treaty Organization (CSTO) and the Commonwealth of Independent States (CIS).

-- (SBU) The GOB actively sponsored and participated in

MINSK 00000086 015.2 OF 015

international TIP conferences. In April 2008, the GOB and the Ministry of Interior in cooperation with the international organizations held a conference in Minsk on efforts to prevent violence against children which was attended by representatives from 27 countries.

-- F. Required of all posts: What measures has the government taken during the reporting period to reduce the participation in international child sex tourism by nationals of the country?

-- (SBU) As Belarus is not a trafficking or sex tourism destination, it has not conducted awareness campaigns targeting clients of the sex trade, or collected any information indicating that its nationals participate in international child sex tourism.

128. HEROES: N/A

129. BEST PRACTICES: The Ministry of Interior's International Anti-TIP Academy continues to serve as an example of how governments can take the initiative in training their personnel to fight TIP. The Academy's efforts work on two fronts. Not only does it provide training for local law enforcement specialists for each of its police jurisdictions, but it has

also completed courses for officers in destination countries. It has already completed training courses for several officials in CIS countries, and is expanding its efforts toward a curriculum for Gulf State destination countries. In 2009, the Ministry provided tours of the facility to Embassy employees and a prominent visiting private AMCIT with interest in TIP issues.

¶2. (U) Embassy point of contact for TIP report: Regional Security Officer Christine Putz, telephone +375 17 210-1283, x4637, fax +375 17 334-7853, e-mail putzc@state.gov.

¶3. (U) Personnel time spent on this report: post spent approximately 80 hours preparing the Ninth Annual Trafficking in Persons Report.
MOORE